

*Examiner  
1-12-02*

Attorney Docket No.: 10368/25901

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*J*  
JC971 U.S. PTO  
09/992463  
11/14/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re

U.S. Application of: James H. AILEY, Glenn H. MIDDLETON,  
John G. PEARCE, Sharon L. MOURE,  
Wallace McNEILL, and Hans HANSEN

For: INSOLE FOR FOOTWEAR

U.S. Serial No. To Be Assigned

Filed: Concurrently

Group Art Unit: To Be Assigned

Examiner: To Be Assigned

BOX PATENT APPLICATION

Assistant Director  
for Patents  
Washington, D.C. 20231

Dear Sir:

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Derrick T. Gordon

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*Derrick T. Gordon*

November 14, 2001  
Date of Signature

INFORMATION DISCLOSURE STATEMENT

In compliance with the duty of disclosure set forth in 37 C.F.R. § 1.56, Applicants wish to bring the following items to the attention of the Examiner. Copies of the documents are enclosed for the convenience of the Examiner.

No representation is made, and no representation is intended, that more relevant material does not exist, or that the order of presentation of this material in any way reflects its relative pertinence. The references cited below are not intended to constitute an admission of any kind. Specifically, this presentation is not an admission that the items listed below are properly citable against the above-identified application.

Attorney Docket No.: 10368/25901

- (1) Jones, Des. 254,818, issued April 29, 1980;
- (2) Peterson, Des. 287,302, issued December 23, 1986;
- (3) Peoples et al., Des. 302,764, issued August 15, 1989;
- (4) Wang, Des. 342,374, issued December 21, 1993;
- (5) Brown, Des. 352,158, issued November 8, 1994;
- (6) Roy, Des. 396,138, issued July 21, 1998;
- (7) Moore et al., Des. 396,948, issued August 18, 1998;
- (8) Lubart, Des. 423,202, issued April 25, 2000;
- (9) Brown, U.S. Patent No. 4,439,934, issued April 3, 1984;
- (10) Leighton, U.S. Patent No. 4,541,184, issued September 17, 1985;
- (11) Hostettler, U.S. Patent No. 4,722,946, issued February 2, 1988;
- (12) Hiles, U.S. Patent No. 4,808,469, issued February 28, 1989;
- (13) Peoples, U.S. Patent No. 4,876,805, issued October 31, 1989;
- (14) Sullivan et al., U.S. Patent No. 4,910,886, issued March 27, 1990;
- (15) Sullivan et al., U.S. Patent No. B1 4,910,886 (Reexamination), issued May 9, 1995;

Attorney Docket No.: 10368/25901

- (16) Tiao et al., U.S. Patent No. 4,980,386, issued December 25, 1990;
- (17) Philipp, U.S. Patent No. 5,014,706, issued May 14, 1991;
- (18) Tiao et al., U.S. Patent No. 5,093,379, issued March 3, 1992;
- (19) Schroer, Jr. et al., U.S. Patent No. 5,282,326, issued February 1, 1994;
- (20) Rothbart, U.S. Patent No. 5,327,664, issued July 12, 1994;
- (21) Ogden, U.S. Patent No. 5,388,349, issued February 14, 1995;
- (22) Barna, U.S. Patent No. 5,463,824, issued November 7, 1995;
- (23) Kantro, U.S. Patent No. 5,542,196, issued August 6, 1996;
- (24) Ogden, U.S. Patent No. 5,727,336, issued March 17, 1998;
- (25) Brooks, U.S. Patent No. 5,787,610, issued August 4, 1998;
- (26) Mardix et al., U.S. Patent No. 5,958,546, issued September 28, 1999;
- (27) Brooks, U.S. Patent No. 5,964,046, issued October 12, 1999;

Attorney Docket No.: 10368/25901

- (28) Blackwell et al., U.S. Patent No. 6,026,599, issued February 22, 2000;
- (29) Brown, U.S. Patent No. 6,070,342, issued June 6, 2000;
- (30) Epstein, U.S. Patent No. 6,098,319, issued August 8, 2000;
- (31) McClelland, U.S. Patent No. 6,226,895 B1, issued May 8, 2001;
- (32) WO 92/19191 (A1) (WINPAL PTY. LTD.), published November 12, 1992; and
- (33) WO 98/31248 (A1) (BIO-KINETIC TECHNOLOGIES, INCORPORATED), published July 23, 1998.

Applicants consider the invention to be distinguishable over the above-cited documents.

As this Information Disclosure Statement is being filed concurrently with the application, no fee is incurred. However, if it should be determined that a fee is required, please charge any required fee (other than the issue fee) during the pendency of this application to Sidley Austin Brown & Wood's Deposit Account No. 18-1260. Please credit any overpayment to Deposit Account No. 18-1260.

Attorney Docket No.: 10368/25901

Respectfully submitted,

  
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Substitute for form 1449A/PTO				Complete if Known			
				Application Number	To Be Assigned		
				Filing Date	Concurrently		
				First Inventor	James H. AILEY et al.		
				Group Art Unit	To Be Assigned		
				Examiner Name	To Be Assigned		
Sheet	1	of	2	Attorney Docket No.	10368/25901		

### U.S. PATENT DOCUMENTS

Examiner Initials	Cite #	DOCUMENT NUMBER	C O D E	PATENTEE	ISSUE DATE (mm/dd/yy)	CLASS	SUB CLASS	Filing Date if Appropriate
<i>CRS</i>	(1)	Des. 254,818		Jones	04/29/80	D2	318	
	(2)	Des. 287,302		Peterson	12/23/86	D2	318	
	(3)	Des. 302,764		Peoples et al.	08/15/89	D2	318	
	(4)	Des. 342,374		Wang	12/21/93	D2	961	
	(5)	Des. 352,158		Brown	11/08/94	D2	961	
	(6)	Des. 396,138		Roy	07/21/98	D2	961	
	(7)	Des. 396,948		Moore et al.	08/18/98	D2	961	
	(8)	Des. 423,202		Lubart	04/25/00	D2	961	
	(9)	4,439,934		Brown	04/03/84	36	44	
	(10)	4,541,184		Leighton	09/17/85	36	44	
	(11)	4,722,946		Hostettler	02/02/88	521	158	
	(12)	4,808,469		Hiles	02/28/89	428	318.6	
	(13)	4,876,805		Peoples	10/31/89	36	43	
	(14)	4,910,886		Sullivan et al.	03/27/90	36	44	
	(15)	B1 4,910,886		Sullivan et al.	05/09/95	36	44	
	(16)	4,980,386		Tiao et al.	12/25/90	521	108	
	(17)	5,014,706		Philipp	05/14/91	128	581	
	(18)	5,093,379		Tiao et al.	03/03/92	521	129	
	(19)	5,282,326		Schroer, Jr. et al.	02/01/94	36	44	
	(20)	5,327,664		Rothbart	07/12/94	36	174	
	(21)	5,388,349		Ogden	02/14/95	36	43	
	(22)	5,463,824		Barna	11/07/95	36	44	
	(23)	5,542,196		Kantro	08/06/96	36	44	
	(24)	5,727,336		Ogden	03/17/98	36	43	
	(25)	5,787,610		Brooks	08/04/98	36	28	
	(26)	5,958,546		Mardix et al.	09/28/99	428	71	
	(27)	5,964,046		Brooks	10/12/99	36	28	
	(28)	6,026,599		Blackwell et al.	02/22/00	36	140	
	(29)	6,070,342		Brown	06/06/00	36	44	
<i>CRS</i>	(30)	6,098,319		Epstein	08/08/00	36	159	
	(31)	6,226,895 B1		McClelland	05/08/01	36	17 R	

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

Sheet 2 of 2

<b>Complete if Known</b>	
Application Number	To Be Assigned
Filing Date	Concurrently
First Inventor	James H. ALLEY et al.
Group Art Unit	To Be Assigned
Examiner Name	To Be Assigned
Attorney Docket No.	10368/25901

**FOREIGN PATENT DOCUMENTS**

Examiner Initials	O F F I C E	NUMBER	C O D E	PUBLICATION DATE (mm/dd/yy)	TRANSLATION Yes      No
<i>ACS</i>	(32)	PCT WO 92/19191	A1	11/12/92	
<i>ACS</i>	(33)	PCT WO 98/31248	A1	07/23/98	

**OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS**

Examiner Initials	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published		
Examiner Signature	<i>John H. Allen</i>	Date Considered	4/5/03

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with the next communication to applicant.